#8A
6/18/02
arr

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Jamily Pentz *et al.*

Application No.: 09/988,151-Conf. #8158

Group Art Unit: 2876

Filed: November 19, 2001

Examiner: Lisa M. Caputo

For: DATA CARD

REPLY AND AMENDMENT UNDER 37 C.F.R. § 1.111

Hand Carried to:

Examiner Lisa M. Caputo
Group Art Unit 2876
Crystal Plaza 4, 4th Floor
2201 South Clark Place
Arlington, VA 22202

Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Office Action dated March 27, 2002, Applicants submit the following Amendment and Remarks.

It is not believed that extensions of time or fees for net addition of claims are required beyond those that may otherwise be provided for in documents accompanying this paper. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor (including fees for net addition of claims) are hereby authorized to be charged to our Deposit Account No. 50-0740 referencing docket number 016762.0217-US01.

Amendments

In the Specification:

Please replace paragraph number 63 with the following new paragraph 63.

[0063] While the specific embodiments described herein are cards having magnetic stripes such as credit cards, debit cards, and bank cards, this is by way of example, and the invention is not limited to these types of cards. Thus, the present invention can be implemented for many different types of data cards including Smart Cards (i.e. cards containing computer chips that store information), stored value cards, proximity chip cards, and other cards that are capable of storing information. A detailed discussion of data cards containing embedded computer chips may be found in U.S. Patent No. 4,443, 027 to McNeely et al., the entirety of which is hereby incorporated by reference. As described in McNeely et al, information for identifying the authorized credit-card user or providing credit authorization comprises a microprocessor, computer or integrated circuit chip embedded in the card. McNeely et al., col. 3, lines 30-34.

In the Claims:

Please cancel claims 1 through 57.

Please add the following new claims 58 through 114.

58. (new)   A data card comprising a first face, a second face, and a magnetic stripe comprising stored encoded data, wherein the dimensions of the card are in the range of about 1 inch by about 1 inch to about 1 7/8 inches by about 3 inches, and the lengthwise dimension of the magnetic stripe is in the range of about 1 inch to about 3 inches, and wherein the encoded data can be read by a magnetic stripe reader configured to read magnetic stripes compliant with ISO/IEC 7811.

59. (new)   A data card as in claim 58, wherein the magnetic stripe is positioned parallel to an edge of the card.

14

~~60~~. (new)   A data card as in claim ~~58~~, wherein the magnetic stripe is positioned perpendicular to a largest dimension of the card.

~~61~~. (new)   A data card as in claim ~~58~~, wherein the magnetic stripe comprises two tracks for storing the encoded data.

~~62~~. (new)   A data card as in claim ~~61~~, wherein the encoded data on a first of the two tracks is encoded at greater than about 210 bits per inch.

~~63~~. (new)   A data card as in claim ~~62~~, wherein the encoded data on the first of the two tracks is encoded at about 260 bits per inch.

~~64~~. (new)   A data card as in claim ~~61~~, wherein the encoded data on a second of the two tracks is encoded at greater than about 75 bits per inch.

~~65~~. (new)   A data card as in claim ~~64~~, wherein the encoded data on the second of the two tracks is encoded at about 100 bits per inch.

~~66~~. (new)   A data card as in claim ~~58~~, wherein the encoded data is encoded using two-frequency encoding.

~~67~~. (new)   A data card as in claim ~~58~~, wherein the first and second faces define a hole therethough.

~~68~~. (new)   A data card as in claim ~~58~~, further comprising a core disposed between said first and second faces, wherein said core comprises polyester.

~~69~~. (new)   A data card as in claim ~~68~~, wherein said core comprises about 80% polyester.

~~70~~. (new)   A data card as in claim ~~58~~, wherein the dimensions of the card are about 1 9/16 inches by about 2 9/16 inches.

~~71~~. (new)   A data card as in claim ~~58~~, wherein the first and second faces are devoid of raised lettering.

~~72~~. (new)   A data card as in claim ~~58~~, further comprising a computer chip.

~~73~~. (new)   A data card as in claim ~~58~~, further comprising an integrated circuit chip.

~~74~~. (new)   A data card as in claim 58, further comprising a microprocessor.

75. (new)   A data card as in claim 58, further comprising a tread comprising a plurality of raised dimples for improving the gripability of said card, wherein said plurality of raised dimples are disposed on one of said first and second faces, said one face coming into contact with a user to improve gripability.

76. (new)   A data card as in claim 58, further comprising a plurality of craters disposed on one of said first and second faces, each of said plurality of craters comprising: a lip and a center, and wherein the lip of each crater is raised slightly about said one face, and the center is indented slightly into said one face.

77. (new)   A data card comprising a first face, a second face, and a magnetic stripe comprising stored encoded data, wherein the largest dimension of the card is about 2 9/16 inches, and the lengthwise dimension of the magnetic stripe is in the range of about 1 inch to about 2 9/16 inches, and wherein the encoded data can be read by a magnetic stripe reader configured to read magnetic stripes compliant with ISO/IEC 7811.

78. (new)   A data card as in claim 77, wherein the magnetic stripe is positioned parallel to an edge of the card.

79. (new)   A data card as in claim 77, wherein the magnetic stripe comprises two tracks for storing the encoded data.

80. (new)   A data card as in claim 79, wherein the encoded data on a first of the two tracks is encoded at greater than about 210 bits per inch.

81. (new)   A data card as in claim 80, wherein the encoded data on the first of the two tracks is encoded at about 260 bits per inch.

82. (new)   A data card as in claim 79, wherein the encoded data on a second of the two tracks is encoded at greater than about 75 bits per inch.

83. (new)   A data card as in claim 82, wherein the encoded data on the second of the two tracks is encoded at about 100 bits per inch.

84. (new)   A data card as in claim 77, wherein the encoded data is encoded using two-frequency encoding.

28
~~85~~. (new)   A data card as in claim ~~77~~ 20, wherein the first and second faces define a hole therethough.

29
~~86~~. (new)   A data card as in claim ~~77~~ 20, further comprising a core disposed between said first and second faces, wherein said core comprises polyester.

30
~~87~~. (new)   A data card as in claim ~~86~~ 29, wherein said core comprises about 80% polyester.

31
~~88~~. (new)   A data card as in claim ~~77~~ 20, wherein the lengthwise dimension of the magnetic stripe is about 2 9/16 inches.

32
~~89~~. (new)   A data card as in claim ~~77~~ 20, wherein the first and second faces are devoid of raised lettering.

33
~~90~~. (new)   A data card as in claim ~~77~~ 20, further comprising a computer chip.

34
~~91~~. (new)   A data card as in claim ~~77~~ 20, further comprising an integrated circuit chip.

35
~~92~~. (new)   A data card as in claim ~~77~~ 20, further comprising a microprocessor.

36
~~93~~. (new)   A data card as in claim ~~77~~ 20, further comprising a tread comprising a plurality of raised dimples for improving the gripability of said card, wherein said plurality of raised dimples are disposed on one of said first and second faces, said one face coming into contact with a user to improve gripability.

37
~~94~~. (new)   A data card as in claim ~~77~~ 20, further comprising a plurality of craters disposed on one of said first and second faces, each of said plurality of craters comprising: a lip and a center, and wherein the lip of each crater is raised slightly about said one face, and the center is indented slightly into said one face.

38
~~95~~. (new)   A data card as in claim ~~77~~ 20, further comprising an angled edge.

39
~~96~~. (new)   A data card comprising a first face, a second face, an angled edge, and a magnetic stripe comprising stored encoded data, wherein the largest dimension of the card is in the range of about 1 7/8 inches to about 3 inches, and the lengthwise dimension of the magnetic stripe is in the range of about 1 inch to about 3 inches, and wherein the encoded data can be read by a magnetic stripe reader configured to read magnetic stripes compliant with ISO/IEC 7811.

~~97~~. (new)   A data card as in claim ~~96~~, wherein the magnetic stripe is positioned parallel to an edge of the card.

~~98~~. (new)   A data card as in claim ~~96~~, wherein the magnetic stripe is positioned perpendicular to a largest dimension of the card.

~~99~~. (new)   A data card as in claim ~~96~~, wherein the magnetic stripe comprises two tracks for storing the encoded data.

~~100~~. (new)   A data card as in claim ~~99~~, wherein the encoded data on a first of the two tracks is encoded at greater than about 210 bits per inch.

~~101~~. (new)   A data card as in claim ~~100~~, wherein the encoded data on the first of the two tracks is encoded at about 260 bits per inch.

~~102~~. (new)   A data card as in claim ~~99~~, wherein the encoded data on a second of the two tracks is encoded at greater than about ~~75~~ bits per inch.

~~103~~. (new)   A data card as in claim ~~102~~, wherein the encoded data on the second of the two tracks is encoded at about 100 bits per inch.

~~104~~. (new)   A data card as in claim ~~96~~, wherein the encoded data is encoded using two-frequency encoding.

~~105~~. (new)   A data card as in claim ~~96~~, wherein the first and second faces define a hole therethough.

~~106~~. (new)   A data card as in claim ~~96~~, further comprising a core disposed between said first and second faces, wherein said core comprises polyester.

~~107~~. (new)   A data card as in claim ~~106~~, wherein said core comprises about 80% polyester.

~~108~~. (new)   A data card as in claim ~~96~~, wherein the first and second faces are devoid of raised lettering.

~~109~~. (new)   A data card as in claim ~~96~~, further comprising a computer chip.

~~110~~. (new)   A data card as in claim ~~96~~, further comprising an integrated circuit chip.

~~111~~. (new)   A data card as in claim ~~96~~, further comprising a microprocessor.

55

~~112.~~ (new)   A data card as in claim ~~96~~ **39**, further comprising a tread comprising a plurality of raised dimples for improving the gripability of said card, wherein said plurality of raised dimples are disposed on one of said first and second faces, said one face coming into contact with a user to improve gripability.

56

~~113.~~ (new)   A data card as in claim ~~96~~ **39**, further comprising a plurality of craters disposed on one of said first and second faces, each of said plurality of craters comprising: a lip and a center, and wherein the lip of each crater is raised slightly about said one face, and the center is indented slightly into said one face.

57

~~114.~~ (new)   A data card as in claim ~~96~~ **39**, wherein the magnetic stripe is positioned parallel to said angled edge.

Remarks

Applicants gratefully acknowledge the courtesy of Examiners Caputo and Frech shown to Applicants' representatives during the interview of May 29, 2002. Upon entry of the foregoing amendment, claims 58-114 are pending in the application, with claims 58, 77, and 96 being the independent claims. New claims 58-114 are sought to be added. Moreover, paragraph 63 of the specification has been amended to explicitly include subject matter of U.S. Patent No. 4,443,027 to McNeely et al., previously incorporated by reference. A copy of U.S. Patent No. 4,443,027 is provided herewith. Thus, no affidavit or declaration is required. See M.P.E.P. § 608.01(p). These changes are believed to introduce no new matter, and their entry is respectfully requested. In this regard, the Examiner is referred to, for example, page 16, paragraphs 79 through 82 of the application as originally filed and paragraph 63, as amended above. A Marked-Up Copy of Amendments to Specification is attached hereto on a separate sheet.

Based on the above amendment and the following Remarks, Applicants respectfully request that the examiner reconsider all outstanding objections and rejections and they be withdrawn.

Oath/Declaration

In response to the Examiner's objection to the oath/declaration for failing to indicate the city of residence of Applicant Allen Kendle, a supplemental application data sheet with the requested information is provided herewith.

Claim Objections

The Examiner objected to the use of the term "about" in claims 1, 7-10, 14, 15, 21, 24-27, 30-31, 38, 43-46, and 50. These claims have been cancelled herein, thereby rendering moot this objection. As discussed during the interview, the use of the term "about" in these claims, as well as in the claims presented herein, is definite in light of the specification.

Rejections Under 35 U.S.C. § 102

The Examiner has rejected claims 1, 3, and 12 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,099,043 to Story ("Story"). As described in more detail below, Applicants submit that this rejection is moot in view of the cancellation of these claims and the submission of new claims 58-114.

Rejections Under 35 U.S.C. § 103

The Examiner has rejected claims 2 and 15 under 35 U.S.C. § 103(a) as being unpatentable over Story.

The Examiner has rejected claims 4-7, 9, 11, 21-24, 26, 28, 31, 36-43, 45, 47-48, and 56-57 under § 103(a) as being unpatentable over Story in view of U.S. Patent No. 6,003,763 to Gallagher et al. ("Gallagher").

The Examiner has rejected claims 8, 10, 25, 27, 44, and 46 under § 103(a) as being unpatentable over Story in view of U.S. Patent No. 4,650,981 to Foletta ("Foletta").

The Examiner has rejected claims 13-14, 29-30, and 49-50 under § 103(a) as being unpatentable over Story in view of U.S. Patent No. 5,090,736 to Minkus ("Minkus").

The Examiner has rejected claims 16-17, 32-33, and 51-52 under § 103(a) as being unpatentable over Story in view of U.S. Patent No. 5,883,377 to Chapin ("Chapin").

The Examiner has rejected claims 18 and 53 under § 103(a) as being unpatentable over Story in view of U.S. Patent No. 4,701,601 to Francini ("Francini").

The Examiner has rejected claims 19-20, 34-35, and 54-55 under § 103(a) as being unpatentable over Story in view of U.S. Patent No. 4,027,405 to Schloss ("Schloss").

As described in more detail below, Applicants submit that these rejections are moot in view of the cancellation of the relevant claims and the submission of new claims 58-114.

Discussion of New Independent Claims

Applicants have cancelled herein the previously considered claims and submit three new independent claims. New independent claims 58, 77, and 96 are the same as proposed claims 58, 59, and 60, respectively, discussed during the interview on May 29, 2002. As noted on the Examiner's Interview Summary Record, proposed claims 58-60 overcame the standing prior art rejection. As such, Applicants respectfully submit that independent claims 58, 77, and 96 presented herein, and the claims depending therefrom, also overcome the standing prior art rejection.

Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete response has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment is respectfully requested.

Respectfully submitted,

Andrea G. Reister (Reg. No. 36,253)

Date: June 7, 2002

COVINGTON & BURLING
1201 Pennsylvania Avenue, N.W.
Washington, D.C. 2004-2401
(202) 662-6000

Marked-Up Copy of Amendments to Specification

[0063] While the specific embodiments described herein are cards having magnetic stripes such as credit cards, debit cards, and bank cards, this is by way of example, and the invention is not limited to these types of cards. Thus, the present invention can be implemented for many different types of data cards including Smart Cards (i.e. cards containing computer chips that store information), stored value cards, proximity chip cards, and other cards that are capable of storing information. A detailed discussion of data cards containing embedded computer chips may be found in U.S. Patent No. 4,443, 027 to McNeely et al., the entirety of which is hereby incorporated by reference. As described in McNeely et al, information for identifying the authorized credit-card user or providing credit authorization comprises a microprocessor, computer or integrated circuit chip embedded in the card. McNeely et al., col. 3, lines 30-34.